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August 28, 2023

Via ECF

The Honorable Judge Mary Kay Vyskocil
United States District Court—S.D.N.Y.
500 Pearl Street
New York, NY 10007

USDC SDNY
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RE: Blue Castle (Cayman) Ltd. v. 1767 TP Ave LLC et al., 1:22-cv-09577-MKV

Dear Judge Vyskocil:

We represent Plaintiff in the above-referenced foreclosure action. Please accept the within response to Your Honor's Order to Show Cause entered on August 24, 2023 [Docket No. 46], and as a request for an adjournment of the Status Conference scheduled for August 30, 2023.

Regarding the order to show cause, we sincerely apologize for our failure to file the status letter one week before the Status Conference, which was due to an inadvertent law office error. After the Initial Conference and upon the Court's entry of the Civil Case Management and Scheduling Order [Docket No. 41], our paralegal entered all of the Court deadlines into our internal calendar system. Unfortunately, as the date for the status letter was not specified, it was missed and not calendared.

This morning, the undersigned found an email from Defendant's counsel in my Junk Box from last week inquiring about settlement. We obtained a settlement offer from our client and contacted Defendant's counsel via e-mail and telephone to set up a call to discuss settlement and the case overall, in addition to requesting consent to adjourn the Status Conference, but we have not yet heard back as of the time of this filing.

In light of the within, we respectfully request that the Status Conference be adjourned¹ and that the parties be permitted to file a Status Report one week prior to the adjourned date to allow the parties time to further discuss resolution of the action.

We thank the Court for its review of our submission.

¹ The undersigned is unavailable from September 25-29, 2023.

Respectfully Submitted,

/s/ Alyssa Kapner
Alyssa Kapner, Esq.

Cc: Muhammad Ikhlas, Esq., attorney for Defendant Zulu (via ECF)

Given the parties' repeated failures to comply with Orders of this Court, the adjournment request is DENIED. The parties are directed to appear in person for the August 30, 2023 Status Conference and should be prepared to show cause why this case should not be dismissed for failure to prosecute and/or why counsel should not face monetary or other sanctions. Both sides are on notice that the parties and/or counsel may be subject to sanctions (including monetary sanctions and/or dismissal of this case) if they fail to comply with this Order or any other Order of the Court. SO ORDERED.

Date: 8/28/2023
New York, New York

Mary Kay Vyskocil
Mary Kay Vyskocil
United States District Judge